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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,110	09/17/2003	Christopher R. Gentle	4366-155	8515
48500	7590	05/24/2007		
SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202			EXAMINER TRAN, TUYETLIEN T	
			ART UNIT	PAPER NUMBER
			2179	
			MAIL DATE	DELIVERY MODE
			05/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/667,110	Applicant(s) GENTLE, CHRISTOPHER R.	
	Examiner TuyetLien (Lien) T. Tran	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25-35 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23, 25-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/10/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed 03/20/07.

This action is made final.

2. Claims 1-23, 25-35 are pending in the case. Claims 1, 17, 31 and 34 are independent claims. Claims 1, 8, 13, 17, 19, 28, 31 and 34 are amended claims.

Claim Objections

3. Applicant's amendment corrects the previous claim objections and therefore the objections are dropped.

Claim Rejections - 35 USC § 101

4. Applicant's amendment corrects the previous rejections and therefore the rejections are dropped.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action.

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al (Patent No. 5995101; hereinafter Clark).

As to claim 31, Clark teaches:

An apparatus for displaying a consequence of a selection to a user (e.g., computer system 10 for displaying a multi-level tool tip, see Fig. 3 and Fig. 5), comprising:

means for visually displaying (e.g., display device 28 in Fig. 5);

means for receiving user input (e.g., I/O bus 26, I/O interface 27, keyboard 29, mouse 34, see Fig. 5);

means for determining a position of a cursor (e.g., see step 100 in Fig. 4), wherein said cursor is displayed by said means for visually displaying (e.g., see cursor 52 in Fig. 3) and is responsive to said means for receiving user input (e.g., see col. 1 lines 44-53);

means for determining a relationship between a position of a selectable item displayed by said means for visually displaying and said cursor (e.g., see Fig. 3); and

means for generating a depiction of a consequence of selecting said selectable item at least when said cursor is within an area occupied by said selectable item on said means for visually displaying (e.g., see Fig. 3; note that the third-level tool tip may provide a graphical image 64 demonstrating the icon's function in detail; further note that the program may include as many additional, higher-level tips as needed to fully demonstrate the program function associated with the icon 54, see e.g., col. 2 lines 51-63).

wherein said selectable item is associated with an application program (e.g., the multi-level tool tip involves providing information in a graphical display about a particular function of a program executing on a computer system, see col. 1 lines 43-50); although the disclosure does not clearly show that selectable item performs an operation and that the

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operation does not include opening a file, those skilled in the art would understand that the tool bar items shown in the application window in Figs. 1-3 is for performing an operation on a file that is open within the application window; that is the operation does not include opening a file because Clark suggests to the skilled artisan that the disclosed invention can be applied for any control area in a graphical user interface including those that shown in Adobe's web page authoring product (e.g., see Figs. 1-3 and col. 3 lines 63-67). The motivation is to provide much insight into the functions of the related icons or selectable items (e.g., see Clark col. 1 lines 34-40).

As to claim 34, Clark teaches:

An apparatus for providing a depiction of the consequences of making a selection (e.g., computer system 10 for displaying a multi-level tool tip, see Fig. 3 and Fig. 5), comprising:

data storage (e.g., RAM 21, ROM 22, hard disk 33, see Fig. 5 and col. 5 lines 14-25), wherein at least a first application is maintained in said data storage (e.g., program 15 is stored in hard disk 33, see Fig. 5);

a data processor operable to execute instructions included in said first application (e.g., CPU 20, see Fig. 5 and col. 5 lines 14-46);

a visual display operable to display graphical elements generated in connection with said execution of said instructions included in said first application and operable to display a cursor (e.g., see Fig. 3);

a pointing device operable to receive commands from a user concerning a position of said cursor with respect to said graphical elements (e.g., see step 100 in Fig. 4), wherein a depiction of the consequences of selecting at least a first selectable item included in said graphical elements is displayed in response to detecting that said cursor is hovering over said at least a first selectable item (e.g., see Fig. 3; note that the third-level tool tip may provide a

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graphical image 64 demonstrating the icon's function in detail; further note that the program may include as many additional, higher-level tips as needed to fully demonstrate the program function associated with the icon 54, see e.g., col. 2 lines 51-63); although the disclose invention does not clearly show that the consequences of selection said at least a first selectable item do not include opening a file, those skilled in the art would understand that the tool bar items shown in the application window in Figs. 1-3 is for performing an operation on a file that is open within the application window; that is the operation does not include opening a file because Clark suggests to the skilled artisan that the disclose invention can be applied for any control area in a graphical user interface including those that shown in Adobe's web page authoring product (e.g., see Figs. 1-3 and col. 3 lines 63-67). The motivation is to provide much insight into the functions of the related icons or selectable items (e.g., see Clark col. 1 lines 34-40).

As to claim 32, Clark further teaches displaying the tool tip as a transparent overlay wherein said transparent overlay comprises an alpha-blended rendering (e.g., see Fig. 3).

As to claim 33, Clark further teaches wherein said means for receiving user input comprises a pointing device (e.g., a mouse 34 in Fig. 5).

As to claim 35, Clark further teaches wherein said pointing device includes a button for receiving an indication of a user selection (e.g., left button or right button of a mouse 34 in Fig. 5), and wherein said depiction of the consequences of selecting a selectable item is displayed in the absence of operation of said button (e.g., note that the tool tip is displayed if the user points with a pointing device to an area of the graphical display associated with a function, see col. 1 lines 44-53).

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8. Claims 1-15, 17-23, 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Sommerer et al (Pub No. US 2004/0205514 A1; hereinafter Sommerer).

As to claim 1, Clark teaches:

A method for providing a visual representation of the consequences of taking an action (e.g., multi-level tool tip, see Fig. 3), comprising:

first moving a cursor in response to input from a user (e.g., see col. 1 lines 44-53);

first detecting a position of said cursor within an application window (e.g., see step 100 in Fig. 4); and

in response to said position of said cursor corresponding to a first selectable item within said application window, displaying a depiction of a consequence of selecting said first selectable item (e.g., see Fig. 3; note that the third-level tool tip may provide a graphical image 64 demonstrating the icon's function in detail; further note that the program may include as many additional, higher-level tips as needed to fully demonstrate the program function associated with the icon 54, see e.g., col. 2 lines 51-63), wherein said first selectable item is not a representation of a file (e.g., see Figs. 1-3; note that the selectable item is from a tool bar icon); however, Clark does not expressly teach said display includes a preview of a consequence of selecting said first selectable item.

Sommerer, though, teaches a hyperlink preview utility that discerns user intent to display a preview of a target resource page associated with a linking control, such as a hyperlink or visit node; wherein the preview is displayed adjacent to the linking control and may display layout and content information to a user; wherein invocation of a hyperlink preview is accomplished by hovering over a hyperlink, in a manner similar to the operation for invoking a tool tip (e.g., see [0008] and Fig. 1).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the function of displaying a hyperlink preview utility as taught by Sommerer to the method of providing a visual representation of the consequences of taking an action as taught by Clark for the purpose of displaying information relating to a selectable item and the motivation for the combination would be to provide a user with information concerning what a graphical representation represents or what is contained within the representation without actually selecting a function.

As to claim 17, Clark teaches:

A computer implemented method (e.g., multi-level tool tip, see Fig. 3), comprising:
determining a position of a cursor (e.g., see step 100 in Fig. 4); and
in response to said position of said cursor hovering over a first selectable item,
displaying a consequence of selecting said first selectable item (e.g., see Fig. 3; note that the third-level tool tip may provide a graphical image 64 demonstrating the icon's function in detail; further note that the program may include as many additional, higher-level tips as needed to fully demonstrate the program function associated with the icon 54, see e.g., col. 2 lines 51-63); wherein a selection of said first selectable item performs an operation on a file that is open within an application that provides said first selectable item (e.g., note that although Figs. 1-3 display here do not show any content, those skilled in the art would understand that the tool bar items shown in the application window in Figs. 1-3 is for performing an operation on a file that is open within the application window because Clark suggests that the disclose invention can be applied for any control area in a graphical user interface including those that shown in Adobe's web page authoring product, see Figs. 1-3 and col. 3 lines 63-67). However, Clark does not expressly teach said display includes a preview of a consequence of selecting said first selectable item.

Sommerer, though, teaches a hyperlink preview utility that discerns user intent to display a preview of a target resource page associated with a linking control, such as a hyperlink or visit node; wherein the preview is displayed adjacent to the linking control and may display layout and content information to a user; wherein invocation of a hyperlink preview is accomplished by hovering over a hyperlink, in a manner similar to the operation for invoking a tool tip (e.g., see [0008] and Fig. 1). Thus, combining Clark with Sommerer would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claims 2 and 18, Clark further teaches:

second moving a cursor in response to input from a user (e.g., moves the cursor to another icon, see col. 3 lines 36-51);

second detecting a position of said cursor (e.g., see step 100 in Fig. 4 and col. 3 lines 36-51); and

in response to said position of said cursor no longer corresponding - or hovering over - to said first selectable item within said application window, discontinuing said displaying a depiction of a consequence of selecting said first selectable item (e.g., see col. 3 lines 36-51).

As to claim 3, Clark further teaches:

second moving a cursor in response to input from said user (e.g., moves the cursor to another icon, see col. 3 lines 36-51);

second detecting a position of said cursor within said application window (e.g., see step 100 in Fig. 4 and col. 3 lines 36-51); and

in response to said position of said cursor corresponding to a second selectable item within said application window, displaying a consequence of selecting said second selectable item (e.g., see col. 3 lines 36-51).

As to claim 4, Clark further teaches displaying a tool tip of a selectable item in a way that is visually altered as compared to a display in response to an actual selection of said selectable item (e.g., a user cannot interact with the information included in a tool tip while a user can interact with a display of an actual selection of the selectable item, see Fig. 3 and col. 1 lines 11-35). Clark does not expressly disclose that displaying a result of selecting a selectable item. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the step of displaying a result of selecting a selectable item that is different from a display of an actual result of selecting a selectable item, in view of Clark, because Clark suggests to the skilled artisan that the third-level tip 62 may include a graphical image 64 demonstrating the icon's function (e.g., see col. 2 lines 51-63) and that multiple levels of multi-level tool tip may be used to provide different types of information (see col. 5 lines 50-60). The motivation would be to provide much insight into the functions of the related icons or function or to fully demonstrate the program function associated with the selected icon (see col. 1 lines 34-40 and col. 2 lines 51-63).

As to claims 5-6, 21, Clark further teaches displaying the tool tip as a transparent overlay wherein said transparent overlay comprises an alpha-blended rendering (e.g., see Fig. 3).

As to claims 7 and 22, Clark further teaches displaying the tool tip as a stencil outline (e.g., see Fig. 3).

As to claim 8, Clark teaches the limitations of claim 1 for the same reasons as discussed with respect to claim 1 above. Although Figs. 1-3 display here do not show any content, those skilled in the art would understand that the tool bar items shown in the application

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window in Figs. 1-3 is for performing an operation on a file that is open within the application window because Clark suggests that the disclose invention can be applied for any control area in a graphical user interface including those that shown in Adobe's web page authoring product (e.g., see Figs. 1-3 and col. 3 lines 63-67).

As to claims 9 and 28, Clark further teaches wherein said hovering over a first selectable item comprises said cursor remaining in an area corresponding to said first selectable item for at least a first predetermined period of time (e.g., see col. 2 lines 30-67);

As to claim 10, Clark further teaches wherein said selectable item comprises at least one of a menu item, an icon, and a button (e.g., icon 54 as shown in Fig. 3).

As to claim 11, Clark further teaches detecting a selection of said first selectable item; in response to said detecting a selection said first selectable item, displaying a consequence of selecting said first selectable item, wherein an appearance of said depiction of a consequence of selecting said selectable item is different than an appearance of said consequence of selecting said selectable item (e.g., see Fig. 3 and col. 1 lines 11-33).

As to claim 12, Clark further teaches wherein said method is performed with respect to a graphical user interface (e.g., see Fig. 3).

As to claim 13, Sommerer further teaches wherein said displayed depiction comprises a depiction of at least one of a submenu or sub-window (e.g., see Fig. 1).

As to claim 14, Clark further teaches after said displaying a depiction of a consequence of selecting said selectable item, in response to a position of said cursor no longer

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corresponding to said selectable item, discontinuing said displaying a depiction of a consequence of selecting said selectable item (e.g., see col. 3 lines 36-51).

As to claim 15, Clark further teaches displaying an indication of a relationship between said selectable item and said depiction of a consequence of selecting said selectable item (e.g., see Fig. 3).

As to claim 19, Clark further teaches wherein said discontinuing is performed in the absence of a user selection of a second selectable item for discontinuing said depicting a consequence of selecting said first selectable item (e.g., see col. 3 lines 36-51);

As to claim 20, Clark further teaches third determining a position of said cursor; and in response to said position of said cursor hovering over a second selectable item, depicting a consequence of selecting said second selectable item (e.g., see step 100 in Fig. 4 and col. 3 lines 36-51).

As to claim 23, Clark further teaches wherein said depicted consequence of selecting a first selectable item comprises displaying at least one of an inactive submenu, an inactive window, and an inactive dialogue (e.g., a tool tip may be in a containing window, see col. 5 lines 50-60).

As to claim 25, Clark teaches the limitations of claim 17 for the same reasons as discussed with respect to claim 17 above. Clark does not expressly teach that depicting a consequence of selecting said first selectable item comprises a submenu. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the step of displaying a depiction of a submenu, in view of Clark, because Clark suggests to the skilled artisan that the third-level tip 62 may include a graphical image 64

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demonstrating the icon's function (e.g., see col. 2 lines 51-63) and that multiple levels of multi-level tool tip may be used to provide different types of information (see col. 5 lines 50-60). The motivation would be the same as discussed with respect to claim 4 above.

As to claim 26, Clark further teaches wherein said consequence of selecting said first selectable item comprises a subwindow (e.g., a tool tip may be in a containing window and that selecting a 'user option' control may invoke a dialog, menu, see col. 5 lines 50-60 and col. 4 lines 14-20).

As to claim 27, Clark further teaches in response to a selection of said first selectable item, displaying at least one of an active submenu and an active window (e.g., dialog, menu, etc. see col. 4 lines 14-20 and col. 1 lines 20-30).

As to claim 29, Clark further teaches wherein said computational component comprises a computer readable storage medium containing instructions for performing the method (e.g., RAM 21, ROM 22, hard disk 33, see Fig. 5 and col. 5 lines 14-25).

As to claim 30, Clark further teaches wherein said computational component comprises a logic circuit (e.g., see Fig. 5).

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Sommerer further in view of Mander et al (Patent No. US 6243724 B1; hereinafter Mander).

As to claim 16, Clark and Sommerer teach the limitations of claim 15 for the same reasons as discussed with respect to claim 15 above. Clark and Sommerer do not expressly teach displaying a projection line to show a relationship between a selectable item and a

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depiction. Mander, though, teaches wherein the indication of a relationship between a selectable item and a depiction of a consequence of selecting a selectable item comprises a projection line (e.g., see Fig. 22e). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Clark and Sommerer to incorporate the viewing cone as taught by Mander for the purpose of displaying information relating to a selectable item and the motivation for the combination would be to provide a user with information concerning what a graphical representation represents or what is contained within the representation without actually selecting a function.

Response to Arguments

10. Applicant's arguments with respect to claims 1-23 and 25-35 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that the cited prior art do not teach, suggests or describe providing a preview of the consequence of selecting an item wherein the consequence of selecting the first selectable item does not include opening a file and that the selectable item is not a representation of a file; the selectable item is associated with an application program (e.g., see Applicant's remark page 11, Para 2 and page 12, Para 1).

The Examiner disagrees

The prior art of Clark clearly teaches and suggests that the selectable item is not a representation of a file (e.g., see Figs. 1-3; note that the selectable item is from a tool bar icon) and that the selectable item is associated with an application program (e.g., the multi-level tool tip involves providing information in a graphical display about a particular function of a program executing on a computer system, see col. 1 lines 43-50). The examiner, then admits that although the disclose invention does not clearly show that selectable item performs an operation

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and that the operation does not include opening a file, those skilled in the art would understand that the tool bar items shown in the application window in Figs. 1-3 is for performing an operation on a file that is open within the application window; that is the operation does not include opening a file because Clark suggests to the skilled artisan that the disclosure invention can be applied for any control area in a graphical user interface including those that shown in Adobe's web page authoring product (e.g., see Figs. 1-3 and col. 3 lines 63-67). The motivation is to provide much insight into the functions of the related icons or selectable items (e.g., see Clark col. 1 lines 34-40).

The examiner further admits that Clark does not expressly teach said display includes a preview of a consequence of selecting said first selectable item. However, Sommerer teaches a hyperlink preview utility that discerns user intent to display a preview of a target resource page associated with a linking control, such as a hyperlink or visit node; wherein the preview is displayed adjacent to the linking control and may display layout and content information to a user; wherein invocation of a hyperlink preview is accomplished by hovering over a hyperlink, in a manner similar to the operation for invoking a tool tip (e.g., see [0008] and Fig. 1).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the function of displaying a hyperlink preview utility as taught by Sommerer to the method of providing a visual representation of the consequences of taking an action as taught by Clark for the purpose of displaying information relating to a selectable item and the motivation for the combination would be to provide a user with information concerning what a graphical representation represents or what is contained within the representation without actually selecting a function.

Conclusion

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11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

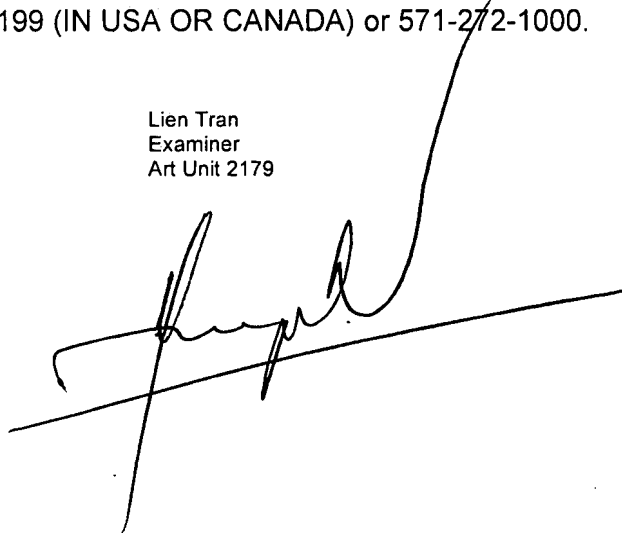
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T
5/14/2007

Lien Tran
Examiner
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A handwritten signature in black ink, appearing to be 'Lien Tran', is written over a horizontal line. The signature is stylized and cursive.